

### **REMARKS**

After the foregoing amendment, claims 1-12, as amended, are pending in the application. Claims 1-4 and 9-12 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that no new matter has been added to the application by the Amendment.

### **Objection to the Specification**

The Examiner objected to specification because the phrase "an fluoroscopy" is not proper. Applicants have amended the specification to correct the improper phrase. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the Specification.

### **Claim Objections**

The Examiner objected to claims 9, 11 and 12 for lacking antecedent bases. Applicants have amended claims 9, 11 and 12 (and also claims 3 and 4) to correct the antecedent bases. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 9, 11 and 12.

### **Rejection - 35 U.S.C. § 102**

The Examiner rejected claims 1-12 under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 5,622,169 (Golden et al.). Applicants respectfully traverse the rejection.

Golden et al. is directed to an apparatus and method for locating a medical tube within a body of a patient. Golden et al. discloses a detection apparatus comprising two triaxial magnetic sensors fixed near each end of an 8cm mounting arm (col. 11, lines 29-32 and Figs. 3 and 5). As described at col. 12, lines 26-35 and shown in Fig. 4, the magnetic field strength of the permanent magnet located in the patient's body is sensed by the two magnetic sensors on the mounting arm. The medical tube is located by moving the detection apparatus around the medical tube until the greatest magnitude is found.

As described at paragraphs [0011] and [0012], the present invention locates at least three magnetic sensors around the body cavity in which the insertion tool is to be placed.

Two of the at least three sensors are selected where the distance between the permanent magnet and the sensors is shortest for detecting the magnetic field from the permanent magnetic.

Amended claim 1 recites a magnetic field detecting including at least three magnetic sensors, wherein signals from only two of the at least three magnetic sensors which are closest to the magnetic field generating means are used for detection.

Golden et al. discloses a detection apparatus in which two magnetic sensors are mounted on a mounting arm which is moveable around a medical tube. Golden et al. does not disclose an apparatus having at least three magnetic sensors disposed outside a body in which the signals from two of the magnetic sensors closest to the magnetic generating means are selected from the at least three magnetic sensors to detect the magnetic field. While Golden et al. does state at col. 7, lines 55-56 that a plurality of sensors (two or more) may be employed, Golden et al. does not disclose that: (1) plurality could be at least three sensors, (2) how the signals from other than two sensors could be used, or (3) if more than two sensors were employed, that only the signals from the two sensors closest to the permanent magnet would be used for detecting the medical tube.

Applicants submit that Golden et al. does not disclose selecting two of at least three sensors for detecting a medical tube and therefore does not anticipate amended claim 1. Accordingly Applicants respectfully request reconsideration and withdrawal of the §102 rejection of claim 1.

Amended claims 2 and 10 recite that the two of the at least three sensors are equally spaced around a scope to be measured. Applicants submit that the configuration disclosed by Golden et al would not permit the magnetic sensors to be equally spaced from the scope to be detected since, as shown in Figs. 3 and 4, the sensors are mounted on the detection apparatus 80 such that they tend to be perpendicular to the surface of the body and thus could not be equidistant from a point within the body.

Further, it is respectfully submitted that since amended claim 1 has been shown to be allowable, claims 2-8 dependent on claim 1 are allowable, at least by their dependency. Accordingly, for all the above reasons, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection of claims 2-8.

Amended claim 9 is allowable for the same reasons that claim 1 is allowable. Further, it is respectfully submitted that since amended claim 9 is allowable, claims 10-12

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dependent on claim 9 are allowable, at least by their dependency. Accordingly, for all the above reasons, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection of claims 9-12.

### Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1-12, is in condition for allowance and Notice of Allowability of claims 1-12 is therefore earnestly solicited.

Respectfully submitted,

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